

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3814 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KANAIYALAL RAMANLAL MODY

Versus

GUJARAT STATE FERTILIZER CO LTD.

Appearance:

MR HK RATHOD for Petitioner

MR KM PATEL for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 23/04/99

ORAL JUDGEMENT

#. Mr.Patel raised a preliminary objection that the Gujarat State Fertilizers Company Ltd. is not amenable to the writ jurisdiction of this Court. In support of this contention, he relied on the Division Bench decision of this Court in the case of Gujarat State Fertilizer's Company Limited v. Association of Officers, reported in 1995(2) GLH 179.

#. Mr.Rathod, relying on the decision of the Apex Court in the case of Uptron India Ltd. v. Shammi Bhan and Anr., reported in 1998 AIR SCW 1447 submits that the decision of this Court may not be a correct decision.

#. However, the decision cited by Mr.Patel is a Division Bench decision of this Court and it is binding on me. The Division Bench has held that the Gujarat State Fertilizer Company Ltd. is not a 'State' within the meaning of Article 12 of the Constitution of India and as such it is not amenable to the writ jurisdiction of this Court. The preliminary objection raised by learned counsel for respondent is sustained.

#. The special civil application is dismissed as not maintainable. Rule discharged. Interim relief, if any, granted by this Court, stands vacated. No order as to costs.

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[sunil]